



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

---

---

NO. WR-93,296-01

---

---

EX PARTE KEITH ZIGWIN CARTER, Applicant

---

---

ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 606797-A IN THE 262ND DISTRICT COURT  
FROM HARRIS COUNTY

---

---

*Per curiam.* YEARY, J., concurred.

### ORDER

Applicant was originally convicted of possession of a controlled substance and sentenced to thirty years' imprisonment. However, Applicant was granted a new trial, and the Fourteenth Court of Appeals dismissed his direct appeal. *Carter v. State*, No. A14-91-00997-CR (Tex. App. — Houston [14<sup>th</sup> Dist.] March 5, 1992) (not designated for publication). Applicant later pleaded no contest to the charges in exchange for deferred adjudication community supervision. He was eventually adjudicated guilty and sentenced to seven years' imprisonment.

Applicant filed this application for a writ of habeas corpus in the county of conviction, and the district clerk forwarded it to this Court. *See* TEX. CODE CRIM. PROC. art. 11.07. On February 2, 2022, this Court remanded this matter to the trial court for affidavits and findings, including

findings of fact as to whether Applicant was still serving his sentence in this case, as he indicated on the habeas form that he had not yet discharged his sentence.

In response to this Court's remand order, the trial court made findings of fact and conclusions of law, recommending that relief be granted. However, the trial court did not make any findings as to whether Applicant is still serving his sentence in this case, and Applicant did not specifically allege that he is suffering from any collateral consequences as a result of this conviction.

According to TDCJ's records, Applicant discharged his sentence in this case on August 4, 2001, and is not presently incarcerated. Although Applicant indicated at the live habeas hearing that this conviction was alleged as a punishment enhancement in later cases, it appears that Applicant already had at least two prior sequential felony convictions at the time of this conviction, and therefore could be enhanced to habitual felony punishment range in any future case without using this conviction.

Because Applicant does not allege and the trial court does not find that Applicant is suffering any collateral consequences as a result of this conviction, this application is dismissed. *See* TEX. CODE CRIM. PROC. Art. 11.07, § 3(c); *Ex parte Harrington*, 310 S.W.3d 452 (Tex. Crim. App. 2010).

Filed: April 12, 2023  
Do not publish